

AMENDED IN SENATE JANUARY 9, 2014

AMENDED IN SENATE JANUARY 6, 2014

SENATE BILL

No. 764

Introduced by Senator Yee

February 22, 2013

An act to amend Section 8050 of the Fish and Game Code, relating to fish and wildlife.

LEGISLATIVE COUNSEL'S DIGEST

SB 764, as amended, Yee. Fish: accounting records: violation.

Existing law requires commercial licensed fisherman and any person who deals in fresh or frozen fish for profit to keep prescribed accounting records. Existing law requires *any of* this accounting record information that is transmitted to any business that deals in fish for profit to be in the English language. Under existing law, a violation of any provision of the Fish and Game Code, or any rule, regulation, or order made or adopted under those provisions, is a misdemeanor, unless otherwise specified.

This bill would require ~~a person in violation of the requirement that commercial licensed fisherman and any person who deals in fresh or frozen fish for profit to transmit~~ the prescribed accounting record information ~~be in the English language for the first time to have 30 days from the issuance of the citation to correct the violation by providing a translation in the English language to any fish and game warden. The bill would require the citation to be dismissed if the fish and game warden finds the corrected accounting information to be in compliance with these provisions, as further specified, to any business that deals in fish for profit. By expanding the definition of a crime, this bill would impose a state-mandated local program.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 8050 of the Fish and Game Code is
2 amended to read:
3 8050. (a) In addition to the receipt required in Section 8043,
4 every person licensed under Article 7 (commencing with Section
5 8030), and any commercial fisherman who sells fish to persons
6 who are not licensed under Article 7 (commencing with Section
7 8030), and any person who deals in fresh or frozen fish for profit,
8 shall keep accounting records in which all of the following shall
9 be recorded:
10 (1) The names of the different species.
11 (2) The number of pounds sold, distributed, or taken of each
12 different species.
13 (3) The name of the person to whom the fish were sold or
14 distributed.
15 (4) The name, address, and phone number of the seller or
16 distributor.
17 (5) The date of sale.
18 (6) The price paid.
19 (7) The intended use.
20 (b) ~~(1) Accounting~~ A person identified in subdivision (a) shall
21 transmit any accounting record information required by this section
22 that is transmitted from any person identified in subdivision (a)
23 section, including, but not limited to, the bill of lading, manifest,
24 advanced shipping notice, or alternative accounting record
25 document, to any business that deals in fish for profit ~~shall be and~~
26 shall provide the accounting record information in the English
27 language.
28 ~~(2) A person in violation of this subdivision for the first time~~
29 ~~shall have 30 days from the issuance of the citation to correct the~~

1 ~~violation by providing a translation of the accounting record~~
2 ~~information in the English language to any fish and game warden.~~
3 ~~The citation shall be dismissed if the fish and game warden finds~~
4 ~~the corrected accounting record information to be in compliance~~
5 ~~with this subdivision.~~

6 (c) The accounting records shall be maintained by both buyer
7 and seller for a period of three years and upon request, shall be
8 open for inspection during normal business hours by the
9 department. The accounting records shall be maintained within
10 the State of California.

11 (d) The names used for designating the species of fish shall be
12 those in common usage unless otherwise designated by the
13 department.

14 *SEC. 2. No reimbursement is required by this act pursuant to*
15 *Section 6 of Article XIII B of the California Constitution because*
16 *the only costs that may be incurred by a local agency or school*
17 *district will be incurred because this act creates a new crime or*
18 *infraction, eliminates a crime or infraction, or changes the penalty*
19 *for a crime or infraction, within the meaning of Section 17556 of*
20 *the Government Code, or changes the definition of a crime within*
21 *the meaning of Section 6 of Article XIII B of the California*
22 *Constitution.*